

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Larry W. White, James Hunter Enis
Assignee: Dell Products L.P.
Title: Solution Network Excursion Module
Serial No.: 10/696,942 Filing Date: October 30, 2003
Examiner: Peter D. Coughlan Group Art Unit: 2129
Docket No.: DC-05626 Customer No.: 33438

Austin, Texas
October 16, 2007

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW
AND STATEMENT OF REASONS**

Sir:

Applicant requests review of the Final Rejection in the above-identified application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

CLAIM STATUS

Claims 1, 8, 9, 16, 17 and 24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ferguson et al., U.S. Patent Publication No. 20030130899 (Ferguson).

REMARKS

The present invention generally relates to a knowledge management system that includes the ability to flag predetermined systems that have a known exception (i.e., an excursion) and render a solution based upon the known excursion, where the excursions are identified on a system model basis. When discussing system models, the application provides the example of when a certain number of systems escape manufacturing with a faulty motherboard that can cause a battery to short out a certain amount of time. A correct solution for systems with the

short issue might be different (e.g., an excursion) from a general solution that might be identified. (See e.g., White Application, Page 3, lines 12 – 21.)

More specifically, the present invention, as set forth by independent claim 1, relates to a method for identifying excursions to general solutions provided by a solution network. The method includes identifying excursions to a general solution on a system model basis, saving the excursions within the solution network on a model system basis, and when accessing the solution network, searching the solution network to determine whether an excursion solution exists. Claims 9 and 17 related to an apparatus and solution network, respectively. Claim 11 is of a similar scope.

Ferguson discloses a system for historical database training of non-linear models. The non-linear model is trained with training sets of electronic commerce data. The system detects availability of new training data, and constructs a training set from the corresponding input data. Over time, many training sets are presented to the non-linear model. The training sets are presented each time a new training set is constructed.

The Examiner cites to the following portion of Ferguson to support the contention that Ferguson discloses storing excursions on a system model basis:

The neural network may be trained using back propagation with historical data or any of several other neural network training methods, as would be familiar to one skilled in the art. The above-mentioned information, including results of previous transactions of the user responding to previous inducements, which may be collected during the e-commerce transaction, may be used to update the predictive model(s). The predictive model may be updated either in a batch mode, such as once per day or once per week, or in a real-time mode, wherein the model(s) are updated continuously as new information is collected (Ferguson ¶ 0154).

However, nowhere within this portion of Ferguson, or anywhere else within Ferguson, is there any disclosure or suggestion of storing and searching excursions on a system model basis as disclosed and claimed. As set forth within the present application, “system model basis” is a basis where information is stored based upon a system model.

When responding to Applicant’s remarks, the Examiner set forth:

A neural network is a good example of a system model basis. Input goes into a neural network and depending how the neural network is designed to function, an output results based on the design. ‘System mode basis’ of applicant is equivalent to ‘neural

network' of Ferguson. 'Identifying excursions' of applicant is equivalent to 'training' of a neural network of Ferguson. 'To a general solution' of applicant is parallel to having the neural network obtain a desired result. (Ferguson, ¶0154) 'Saving the excursions' of applicant is equivalent to setting the weights of the neural network. (Ferguson, ¶0188) 'Excursion solution' of applicant is equivalent to 'post process results' of Ferguson. (Ferguson, ¶0217 and ¶0218) 'Presenting support knowledge to a customer' of applicant is disclosed by 'outputs such as information, analysis, decision-making, transaction, or any other type of usable object, result or service' of Ferguson. (Ferguson ¶0009) (Final Office Action dated August 17, 2007, Pages 12-13).

Merely stating that a "neural network" as disclosed by Ferguson is equivalent to identifying excursions to a general solution on a system model basis is insufficient to overcome the Examiner's obligation to establish a *prima facie* case. In the present application, the solution network identifies excursions but rather excursions on a system model bases and then when accessing the solution network on a system model basis determines whether an excursion solution exists.

More specifically, Ferguson, taken alone or in combination, does not teach or suggest a method for identifying excursions to general solutions provided by a solution network where the method includes identifying excursions to a general solution on *a system model basis*, saving the excursions within the solution network on *a system model basis*, and when accessing the solution network, searching the solution network to determine whether *an excursion solution exists*, all as required by claim 1. Accordingly, claim 1 is allowable over Ferguson. Claims 2 - 8 depend from claim 1 and are allowable for at least this reason.

Ferguson, taken alone or in combination, does not teach or suggest an apparatus for identifying excursions to general solutions provided by a solution network where the apparatus includes means for identifying excursions to a general solution on *a system model basis*, means for saving the excursions within the solution network on *a system model basis*, and means for searching the solution network to determine whether *an excursion solution exists* when accessing the solution network, all as required by claim 9. Accordingly, claim 9 is allowable over Ferguson. Claims 10 - 16 depend from claim 9 and are allowable for at least this reason.

Ferguson, taken alone or in combination, does not teach or suggest a solution network which includes, a knowledge repository and an excursion identifying module where the knowledge repository stores information regarding general solutions relating to issues and information relating to *excursions to general solutions* and the excursions are searchable on *a*

system model basis and the excursion identifying module identifies excursions to the general solutions on a *system basis* and the search module searches the solution network to determine whether an excursion solution exists when accessing the solution network, all as required by claim 17. Accordingly, claim 17 is allowable over Ferguson. Claims 18 - 24 depend from claim 17 and are allowable for at least this reason.

In view of the arguments set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, please telephone the undersigned.

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on October 16, 2007.

/Stephen A. Terrile/

Attorney for Applicant(s)

Respectfully submitted,

/Stephen A. Terrile/

Stephen A. Terrile
Attorney for Applicant(s)
Reg. No. 32,946